IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

Bail Appl..No. 1853 of 2007()

CRIME NO.124/07 OF ALAPPUZHA NORTH POLICE STATION

: PETITIONER/ACCUSED NOS.1 TO 4 AND 6

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1. SREENI, S/O. MURUKAN, AGED 19 YEARS,
MANI MANDIRAM, THATHAMPALLY WARD, ALAPPUZHA.

2. MABY JAMES, S/O. JAMES, AGED 19 YEARS,
KURISUPARAMBU, KALATHU WARD, AVALOOKUNNU P.O.,
ALAPPUZHA.

3. MONCY, AGED 18 YEARS, S/O. MOHANAN,
VALUVAMCHIRAYIL, KARUKAYIL WARD,
THATHAMPALLY P.O., ALAPPUZHA.

4. SEEMON, S/O. MOHANAN, AGED 19 YEARS,
VALUVAMCHIRAYIL, KARUKAYIL WARD,
THATHAMPALLY P.O., ALAPPUZHA.

5. SAJEER, AGED 19 YEARS, S/O. ABOOBACKER,
SAJEER MANZIL, VALIYAMPARAMBU,
KOTTAMKULANGARA WARD, ALAPPUZHA.

BY ADV. SRI.G.PRIYADARSAN THAMPI

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTING
SUB INSPECTOR OF POLICE,
ALAPPUZHA NORTH POLICE STATION, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1853 OF 2007 B

Dated this the 28th day of March, 2007

O R D E R

Petitioners, who are accused Nos.1 to 4 and 6 in Crime No.124/07 of Alappuzha North Police Station for offences punishable under sections 143, 147, 148, 324 and 308 read with section 149 IPC, seek anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that at about 9 p.m. on 10.3.2007 at a place near Mammodu junction the accused persons armed with sword stick, iron rod and wooden stick, etc. assaulted the defacto complainant. The first accused is alleged to have inflicted a cut injury on the back of the head of the defacto complainant with a sword. Accused Nos. 2, 3 and 6 are alleged to have assaulted him with iron pipe and the 4th accused is alleged to have assaulted him with a wooden stick.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioners to surrender before the Investigating Officer for interrogation and then to have their application for regular bail considered by the Magistrate concerned. Accordingly, the petitioners are directed to surrender before the

Investigating Officer on any day between 3.4.2007 and 4.4.2007 for the purpose of interrogation and recovery of incriminating materials, if any. The petitioners shall, thereafter, be produced on the same day before the concerned Magistrate, who shall consider and dispose of the application for regular bail, if any, filed by the petitioners, preferably on the same date on which it is filed, taking into account the contention of accused Nos.2 to 4 that they are students studying for B.Com and due to appear for examinations in the month of April.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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